



**Colac Otway
SHIRE**

MINUTES

PLANNING COMMITTEE

OF THE

COLAC-OTWAY SHIRE

COUNCIL

9 SEPTEMBER 2008

at 10.30 am

**COPACC Meeting Room
Rae Street, Colac**

COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING

9 SEPTEMBER 2008

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1. PRESENT

Cr. Chris Smith (Mayor)
Cr. Tony Graham
Cr. Fran Lehmann
Cr. Peter Mercer
Cr. Warren Riches
Cr. Carol Wilmink

Jack Green, General Manger Sustainable Planning and Development
Colin Hayman, General Manager Corporate and Community Services
Doug McNeill, Manager Planning and Building
Anne Sorensen, Statutory Planning Coordinator
Bronwyn Keenan, Executive Officer Sustainable Planning and Development

2. APOLOGIES

Cr. Joe DiCecco
Tracey Slatter, Chief Executive Officer
Ross Goyne, Acting General Manager Infrastructure Services

3. DECLARATION OF INTEREST

NIL

4. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item PC080909-2 Joanna Williamson
 Robert Wilmot

Item PC080909-3 Paul Brown
 Michelle Koorn
 Chris Marshall

Item PC080909 - 4 Don Henderson

5. CONFIRMATION OF MINUTES

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 12/08/08.

Recommendation

That the Planning Committee confirm the above minutes.

Resolution

MOVED Cr Riches seconded Cr Mercer that the Planning Committee confirm the above minutes.

CARRIED 6:0

OFFICERS' REPORTS

Sustainable Planning and Development

- PC060612-1 PLANNING PERMITS FOR THE MONTH OF AUGUST 2008
- PC080909-2 ALTERATIONS AND ADDITIONS TO EXISTING SHED AT 288
SUNNYSIDE ROAD, WONGARRA (PP74/08)
- PC080909-3 PP152/08 - ALTERATIONS & ADDITIONS TO EXISTING CONVENIENCE
SHOP & RESTAURANT, WAIVER OF CAR PARKING, SIGNAGE,
ALTERATION TO LIQUOR LICENCE, REMOVAL OF UNDERGROUND
PETROL TANK & ASSOCIATED WORKS AT 35 GREAT OCEAN ROAD,
WYE RIVER
- PC080909-4 WAIVING OF CAR PARKING ASSOCIATED WITH RESTAURANT,
INTERNAL BUILDINGS & WORKS, AND BYO LIQUOR LICENCE AT 205-
207 MURRAY STREET, COLAC
- PC080909-5 DEVELOPMENT OF TWO (2) SHOPS, TWO (2) DWELLINGS, WAIVER
OF CAR PARKING & RESUBDIVISION AT 16 PASCOE STREET,
APOLLO BAY

PC060612-1 PLANNING PERMITS FOR THE MONTH OF AUGUST 2008

AUTHOR: Stefanie Riches ENDORSED: Jack Green
DEPARTMENT: Sustainable Planning and FILE REF: GEN00450
Development

41 Planning permit applications received for the period of 1st August 2008 to 31st August 2008
31 Planning permit applications were considered for the period of 1st August 2008 to 31st August 2008

Recommendation(s)

That Council's Planning Committee note the August 2008 statistical report.

Resolution

MOVED Cr Riches seconded Cr Graham that Council's Planning Committee note the August 2008 statistical report.

CARRIED 6:0

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6. ***The landscaping must be established within 6 months of the completion of the development hereby permitted and must be maintained to the satisfaction of the Responsible Authority.***
7. ***All development and works associated with this permit must be carried out in strict conformity with the recommendations of Geotechnical Engineers Report prepared by Saunders Consulting Group Pty Ltd, Number 29550, dated 24 July 2007.***
8. ***The roof and exterior walls of the outbuilding must be constructed of a non-reflective material which will effectively blend the development in with the natural colours of the surrounding landscape (i.e. not white, off-white, beige, cream, fawn, light yellow or similar colour, galvanised or zincalume, gull grey or any other unsuitable colour as determined by the Responsible Authority).***
9. ***Prior to the issue of a Building Permit, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring that:***
  - a. ***The shed must not be converted into a habitable dwelling as defined under the Planning Scheme or used for commercial purposes.***

***Evidence of lodging of this agreement in accordance within Section 181 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement will be met by the owner/applicant.***
10. ***In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:***
  - ***The development and use are not started within two (2) years of the date of this permit.***
  - ***The development is not completed within four years of the date of this permit.***

***In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.***

## **NOTES**

1. ***A Permit to install an all waste septic tank system must be lodged and approved by the Responsible Authority prior to the commencement of works. Such system must be designed and installed to the satisfaction of the Responsible Authority before a Permit to Use the waste septic tank system can be issued.***



**Resolution**

**MOVED Cr Wilmink seconded Cr Graham that Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP74/08 for alterations and additions to an existing shed at 288 Sunnyside Road, Wongarra, subject to the following conditions:**

- 1. Prior to the commencement of the development amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority when approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies provided. The plans must generally be in accordance with plans submitted with the application, but modified to show:
  - (a) minimum setback of 5 metres from the property boundary to allow the provision of adequate landscaping to screen the development from the road boundary.****
- 2. Before the issue of a Building Permit, a Land Stability Assessment prepared by a Geotechnical Engineer, must be undertaken for the area used for the waste disposal envelope to the satisfaction of the Responsible Authority.**
- 3. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
- 4. Stormwater discharge from access roads and buildings and structures must be dealt with on the site to the satisfaction of the Responsible Authority. No sheet flow discharge point will be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge the septic effluent disposal system.**
- 5. A packaged wastewater treatment system is to be constructed concurrently with the redevelopment of the shed to ensure that all liquid waste is to be contained within the curtilage of the title at all times. Such system must be located on the higher ground away from the watercourse, and designed and installed to the satisfaction of the Responsible Authority.  
  
The treated effluent from the packaged system must be pumped to effluent disposal fields established on the eastern side of the waterway, more than 30m from the banks of the waterway to the satisfaction of the Responsible Authority.**
- 6. The installation of a packaged waste water treatment system requires the installation of either a flashing light or audible alarm in both the proposed shed and the main dwelling to warn of any pump malfunction in the system to the satisfaction of the responsible authority. The alarm can be located outside of the buildings, but must not be audible beyond the boundaries of the site.**
- 7. Before a Building Permit can be issued, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed in the vicinity of the shed;****

- (b) *planting of areas around the shed not designated as accessways to screen the building where possible from Groves Court, Sunnyside Road and the dwelling located at 290 Sunnyside Road.*
- (c) *a schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant*

*All species selected must be to the satisfaction of the Responsible Authority.*

8. *The landscaping must be established within 6 months of the completion of the development hereby permitted and must be maintained to the satisfaction of the Responsible Authority.*
9. *All development and works associated with this permit must be carried out in strict conformity with the recommendations of Geotechnical Engineers Report prepared by Saunders Consulting Group Pty Ltd, Number 29550, dated 24 July 2007.*
10. *The roof and exterior walls of the outbuilding must be constructed of a non-reflective material which will effectively blend the development in with the natural colours of the surrounding landscape (i.e. not white, off-white, beige, cream, fawn, light yellow or similar colour, galvanised or zincalume, gull grey or any other unsuitable colour as determined by the Responsible Authority).*
11. *Prior to the issue of a Building Permit, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring that:*
- b. *The shed must not be converted into a habitable dwelling as defined under the Planning Scheme or used for commercial purposes.*

*Evidence of lodging of this agreement in accordance within Section 181 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement will be met by the owner/applicant.*

12. *In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:*
- The development and use are not started within two (2) years of the date of this permit.*
  - The development is not completed within four years of the date of this permit.*

*In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.*

## **NOTES**

1. *A Permit to install an all waste septic tank system must be lodged and approved by the Responsible Authority prior to the commencement of works. Such system must be designed and installed to the satisfaction of the Responsible Authority before a Permit to Use the waste septic tank system can be issued.*

**CARRIED 6:0**

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PC080909-3 PP152/08 - ALTERATIONS & ADDITIONS TO EXISTING CONVENIENCE SHOP & RESTAURANT, WAIVER OF CAR PARKING, SIGNAGE, ALTERATION TO LIQUOR LICENCE, REMOVAL OF UNDERGROUND PETROL TANK & ASSOCIATED WORKS AT 35 GREAT OCEAN ROAD, WYE RIVER

AUTHOR: Helen Evans
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green
FILE REF: PP152/08

Recommendation (s)

That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP152/08 for alterations and additions to an existing convenience shop and restaurant, waiver of car parking, signage, alteration to liquor licence area, removal of underground petrol tank and associated works at 35 Great Ocean Road, Wye River, subject to the following conditions:

Plans

- 1. Prior to the commencement of the re-development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies provided. The plans must generally be in accordance with the plans submitted with the application, but modified to show:***
 - i. Full set of plans drawn to scale showing a reduction in the ground level deck area to allow for the manoeuvring of cars in the parking area;***
 - ii. Removal of the protruding seat in the northeast corner of the lot;***
 - iii. Full details of business identification signage that does not exceed 3 square metres per premise;***
 - iv. Redesign of the car parking area directly in front of the site to include the closing of the exit onto the Great Ocean Road, to show a total of eight (8) car spaces including one (1) disabled car space, clearly delineating the boundary between the road reserve and property boundary.***
- 2. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***

Signs

- 3. The location and details of the sign and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

4. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
5. ***The signs must not contain any flashing light and must not be illuminated by external or internal light except with the written consent of the Responsible Authority***

Drainage

6. ***All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***

Earthworks related to underground petrol tank

7. ***At the completion of works associated with the removal of the underground petrol tank, an Environmental Site Assessment must be undertaken by suitably qualified professional to demonstrate that any potential risk from contamination is of low probability in respect to human and environmental health to the satisfaction of the Responsible Authority.***
8. ***The area where the underground petrol tank is to be removed must be re-established with asphalt to the satisfaction of the Responsible Authority.***

Liquor licence

9. ***The provision and or consumption of liquor within the development hereby permitted must be subject to the issue of a Liquor Licence, pursuant of the provision of the Liquor Control Reform Act, 1988, as amended.***
10. ***The premises must be operated in strict conformity with all requirements of the Liquor Licence.***
11. ***The hours of the on premise liquor licence allowing service of alcohol within the restaurant, on Sunday from 10am to 11pm, Good Friday and Anzac Day from 12noon to 11pm and on any other day from 7am to 11pm.***
12. ***Alcohol consumption must be strictly limited to only those areas marked in red on the endorsed plan to the satisfaction of the Responsible Authority.***

Car parking, loading and access

13. ***Loading and unloading of all goods, materials and items must be carried out on the site within the defined loading bay on the endorsed plan to the satisfaction of the Responsible Authority.***
14. ***The loading bay area must remain free and available for this purpose at all times to the satisfaction of the Responsible Authority.***
15. ***Prior to the commencement of works, a detailed construction plan for the car parking area adjacent to the subject site must be submitted for approval by the Responsible Authority. When approved, the plan will be endorsed and form part of the planning permit. The plan must include the parking reconfigured in front of the site to and include:***

- ***Closing the exit point to the Great Ocean Road;***
 - ***Forming 8 x 90 degree parks spaces – one being disabled to the satisfaction of the responsible authority;***
 - ***Signage and line marking;***
 - ***Drainage; and***
 - ***Landscaping.***
16. ***Prior to the commencement of works, detailed plans for the parking and access arrangement on the Great Ocean Road reserve must be approved by VicRoads.***
17. ***Prior to the re-commencement of the use and once the buildings reconstruction is completed, the car parking area between the site and Great Ocean Road be constructed in accordance with the plans endorsed as part of this permit.***
18. ***Prior to the commencement of the redevelopment, the owner/applicant must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 stating that:***
- a. ***the land between the building the eastern property boundary be kept free and available for the use of car parking and vehicular access as part of the car parking area between the lot and the Great Ocean Road to the satisfaction of the Responsible authority.***
 - b. ***within 3 months of the final inspection/occupancy permit being issued for the redevelopment approved under Planning Permit PP152/08, the owner must make a contribution of \$50,000 to Council towards pedestrian linkages in and around Wye River. This contribution may be made in instalments if agreed to in writing by the Responsible Authority.***

Evidence of lodging of this agreement in accordance within Section 181 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement will be met by the owner/applicant.

Effluent Disposal & Health

19. ***Soil in the rear effluent field must be replaced with good quality soil, with a soil percolation rate of at least 75mm per hour to the satisfaction of Council's Environmental Health Officer.***
20. ***It will be the responsibility of the applicant or owners that if the effluent treatment system does not perform as expected, alterations will be made to remedy the problem or reduce the activity of the premise hereby approved to reduce the amount of waste water produced to that which can be disposed of within the title boundary in accordance with the EPA Guideline – Publication 891 – Septic Tank Code of Practice.***
21. ***A waste water storage tank shall be installed that will hold at least 1,000 litres of waste water as a backup for any system failure or to allow waste water produced at times of peak activity to be evenly distributed across the effluent disposal fields.***

22. *The septic system shall be monitored on a daily basis for performance and records kept of the output and the amount of any waste water kept in the storage tanks to the satisfaction of the Responsible Authority.*
23. *Recommendations contained in the Land Capability Assessment No E8098 dated 22 May 2008 by Provincial Geotechnical Pty Ltd in relation to the use of detergents and maintenance of the septic system are to be included in the septic tank application when submitted for approval to the Environmental Health Department of the Colac Otway Shire.*
24. *The applicant must liaise with the Council's Food Safety Officer when designing and before any works are commenced on the kitchen and food preparation areas.*
25. *A food safety plan must be submitted for the new premise and a suitable number of staff trained in food handling techniques before the premises can be legally registered or operate under new proprietors.*

Conditions required by Department of Sustainability and Environment

26. *No works are to occur on the adjoining Crown Land without seeking the written consent from the Department of Sustainability and Environment.*
27. *All works must be conducted within the private land. There should be no movement of materials, equipment or vehicles through the adjoining Crown Land.*
28. *No materials, buildings, equipment or vehicles associated with the works are to be stored on the adjoining Crown Land during the construction or demolition works.*
29. *All excess and waste materials, including felled trees, must be disposed of correctly to ensure no materials escape into the adjoining Crown land. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust is created.*
30. *Provision for public access to the adjoining Crown land must be maintained throughout the construction period to the satisfaction of the responsible authority in consultation with the Department of Sustainability and Environment*
31. *The department would like input into any advertising signs located on the north boundary of the property, to ensure that no offensive signs or signs that imply ownership of the adjoining public open space are erected.*

Conditions required by Country Fire Authority

Water Supply Requirements

32. *A static water supply must meet the following requirements:*
 - *a minimum of 10,000 litres on-site static storage must be provided on the lot and be maintained solely for fire fighting;*
 - *the water supply must be located within 60 metres of the building;*

- **fire brigade vehicles must be able to get to within four metres of the water supply outlet;**
- **the water supply must be readily identifiable from the building or appropriate signage (see Appendix A: Figure 1) must point to water supply. All below-ground water pipelines must be installed to the following depths:**
 - a. **subject to vehicle traffic - 300 mm**
 - b. **under houses or concrete slabs - 75 mm**
 - c. **all other locations - 225 mm**
 - d. **all fixed above-ground water pipelines and fittings, including water supply, must be constructed of non-corrosive and non-combustible materials or protected from the effects of radiant heat and flame.**

If the static water supply is above ground the following additional standards must apply:

- **all above-ground static water supply must provide at least one 64 mm. 3 thread/25 mm x 50 mm nominal bore British Standard Pipe (BSP), round male coupling (see Appendix A: Figure 2);**
- **all pipe work and valving between the water supply and the outlet must be no less than 50 mm nominal bore;**
- **if less than 20 metres from the building, each outlet must face away from the building to allow access during emergencies.**

Access Requirements

33. **Access to the development must be designed to allow emergency vehicles access. The minimum design requirements are as follows:**
- **curves in driveway must have a minimum inner radius of ten metres;**
 - **the average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres;**
 - **dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.**

If the driveway from the road to the building and water supply, including gates, bridges and culverts, is greater than 30 m long, the driveway:

- **must be designed, constructed and maintained for a load limit of at least 15 tonnes';**
- **be all weather construction; and**
- **must provide a minimum trafficable width of 3.5 metres, and**
- **be clear of encroachments 4 metres vertically (see Appendix A: Figure 3).**

Vegetation Management Requirements

34. **A distance of 30 metres around the proposed building or to the property boundary (whichever is the lesser) must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the responsible authority.**
- **Grass must be no more than 100mm in height**
 - **Leaf litter must be less than 10mm deep**

- *There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most, sparse, with very little dead material.*
- *Dry shrubs must be isolated in small clumps more than ten metres away from the building.*
- *Trees must not overhang the roofline of the building.*

Conditions required by Environment Protection Authority

35. *The installation and/or decommissioning of underground petroleum storage tanks should be in accordance with EPA Publication 888 Guidelines on Design, Installation and management Requirements for Underground Petroleum Storage Systems.*
36. *All contaminated stormwater or sediment arising from the proposal must be retained on the premises.*
37. *There should be no odours offensive to the senses of humans beyond the boundary of the premises.*
38. *If at any stage the site sewage treatment facilities exceed a design or actual flow rate of 5000 litres per day, the works become scheduled under the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007 and will require a works approval.*

Condition required by Corangamite Catchment Management Authority

39. *The proponent should consider developing a flood action plan designed to minimise damage to the contents and fittings of the building during a flood.*

Expiry

40. *This permit will expire if one of the following circumstances applies:*
 - *The development is not started within two years of the date of this permit.*
 - *The development is not completed within four years of the date of this permit.*

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Notes

- a. *The holder of this permit must obtain the necessary Building and Health Approvals prior to the commencement of any buildings and works.*
- b. *A Permit to install an all waste septic tank system must be lodged and approved by the Responsible Authority prior to the commencement of works. Such system must be designed and installed to the satisfaction of the Responsible Authority before a Permit to Use the waste septic tank system can be issued.*

- c. ***Non-flammable features such as tennis courts, swimming pools, dams, patios, driveways, or paths should be incorporated into the vegetation management plan, especially on the north and western sides of the proposed building.***
- d. ***Features with high flammability such as coir doormats, firewood stacks should not be located near the building during the fire danger period.***
- e. ***Note for medium category of bushfire attack - The land is in a bushfire prone area designated under regulation 804 of the Building Regulations 2006. Low forest or woodland is the predominant vegetation within 100 metres of the proposed building which corresponds to a medium category of bushfire attack under AS 3959.***
- f. ***The applicable 1% Annual Exceedance Probability (AEP) flood level is 3.2m Australian Height Datum (AHD). This site is located entirely within the 1% AEP flood extent. The Authority has obtained this level from recorded peak levels of a flood that occurred in April 1985. Based on topographical data for the site, the 1985 flood would have resulted in flooding approximately 500mm above the floor level of the existing building (floor level 220mm above ground level). 35 Great Ocean Road is subject to flooding and is known to have been affected during a flood that occurred in April 1985. The peak recorded level for that flood is 3.3m AHD upstream of the Great Ocean road, resulting in flooding up to 600mm deep on the property.***

Resolution

MOVED Cr Wilmlink seconded Cr Graham that the matter be deferred for one month to allow for Council to clarify the existing use rights of the Convenience Shop and Restaurant.

CARRIED 6:0

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**PC080909-4 WAIVING OF CAR PARKING ASSOCIATED WITH RESTAURANT,  
INTERNAL BUILDINGS & WORKS, AND BYO LIQUOR LICENCE AT 205-  
207 MURRAY STREET, COLAC**

AUTHOR: Anne Sorensen  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
FILE REF: PP203/08

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP203/08 for waiver of car parking associated with a restaurant, internal buildings and works, and a BYO liquor licence at 205-207 Murray Street, Colac, subject to the following conditions:***

1. ***The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
2. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
3. ***The amenity of the area must not be detrimentally affected by the use or development through the:***
  - a) ***Transport of materials, goods or commodities to or from the land;***
  - b) ***Appearance of any building, works or materials;***
  - c) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
  - d) ***Presence of vermin;***

***to the satisfaction of the Responsible Authority.***
4. ***The use must only operate between the following hours except with the prior written consent of the Responsible Authority:***
  - ***11:00am to 11:00pm, Monday to Sunday***
5. ***Accommodation for patrons must not exceed 40 seats except with the prior written consent of the Responsible Authority.***
6. ***This permit will expire if the use hereby permitted is not started within two years of the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards***

**NOTE:**

- a. ***Further planning approval may be required should business identification signage associated with the use exceed 8.0 square metres (Clause 52.05, Category 1 of the Colac Otway Planning Scheme).***

**Resolution**

**MOVED Cr Lehmann seconded Cr Mercer that Council’s Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP203/08 for waiver of car parking associated with a restaurant, internal buildings and works, and a BYO liquor licence at 205-207 Murray Street, Colac, subject to the following conditions:**

- 1. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
- 3. The amenity of the area must not be detrimentally affected by the use or development through the:**
  - a) Transport of materials, goods or commodities to or from the land;**
  - b) Appearance of any building, works or materials;**
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
  - d) Presence of vermin;**

**to the satisfaction of the Responsible Authority.**
- 4. The use must only operate between the following hours except with the prior written consent of the Responsible Authority:**
  - 11:00am to 11:00pm, Monday to Sunday**
- 5. Accommodation for patrons must not exceed 40 seats except with the prior written consent of the Responsible Authority.**
- 6. This permit will expire if the use hereby permitted is not started within two years of the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards**

**NOTE:**

- a. Further planning approval may be required should business identification signage associated with the use exceed 8.0 square metres (Clause 52.05, Category 1 of the Colac Otway Planning Scheme).**

**CARRIED 6:0**

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PC080909-5 DEVELOPMENT OF TWO (2) SHOPS, TWO (2) DWELLINGS, WAIVER OF CAR PARKING & RESUBDIVISION AT 16 PASCOE STREET, APOLLO BAY

AUTHOR: Doug McNeill
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green
FILE REF: PP108/08

Recommendation

That Council's Planning Committee resolve to issue a Planning Permit for Planning Permit Application PP108/08 for the development of two shops, two dwellings, waiving of car parking and re-subdivision at 16 Pascoe Street, Apollo Bay, subject to the following conditions:

1. *Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:*
 - a. *Modified subdivision design to reflect changes to the plans in accordance with this condition, with a single car space specifically allocated to each dwelling and the balance of parking within common property.*
 - b. *Appropriate landscaping including planting of street trees in the nature-strip along the Pascoe Street frontage of the property to the satisfaction of the Responsible Authority.*
 - c. *Full details of streetscape works including footpath design and construction, and street lighting.*
2. *Prior to the development commencing a Section 173 Agreement must be entered into between the owners and the Responsible Authority and registered on the title to the land. The agreement will require that part of the common property being the car spaces and necessary access-ways shown on the endorsed plans must be maintained and kept available for use as a car park and access-ways to be accessed initially via 14 Pascoe Street only and then additionally over contiguous and proximate land and which is similarly developed in a manner so as to implement the creation of centrally located car park depicted in the draft Apollo Bay Precinct Plan. The Responsible Authority's reasonable legal costs of agreement and its registration must be paid by the permit holder (as per PP127/07, 65-71 GOR).*
3. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*
 - (a) *transport of materials, goods or commodities to or from the land*
 - (b) *appearance of any building, works or materials*
 - (c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil*
 - (d) *presence of vermin.*

4. ***All run off from stormwater must be taken to a legal point of discharge to the satisfaction of the Responsible Authority, and the hard stand areas of the principles to the satisfaction of the responsible authority. Drainage plans must be submitted to the responsible authority for approval prior to commencement of the development.***
5. ***The landscaping shown on the endorsed plan must be established within 3 months of completion of the development hereby permitted and must be maintained to the satisfaction of the Responsible Authority.***
6. ***External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
7. ***Provision must be made for waste receptacles for each of the occupancies within the common property area, specifically allocated to each lot, to the satisfaction of the responsible authority.***
8. ***Loading and unloading of all goods, materials and items must be carried out on the site to the satisfaction of the Responsible Authority.***
9. ***Driveways and car parking areas must be constructed in an all weather surface to the satisfaction of the responsible authority.***
10. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
11. ***The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
12. ***This permit will expire if one of the following circumstances applies:***
 - ***The development and use are not started within two (2) years of the date of this permit.***
 - ***The development is not completed within four years of the date of this permit.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

13. ***The applicant or owner must pay to Council the equivalent of five per cent of the site value of all land in the subdivision as a public open space contribution. This payment must be made before a Statement of Compliance is issued and is varied under Section 19 of the Subdivision Act 1988, as amended.***
14. ***The Statement of Compliance will not be issued prior to all conditions in relation to subdivision on the subject Planning Permit being complied with to the satisfaction of the Responsible Authority.***
15. ***The developer must mark street numbers for all lots in the subdivision in accordance with the Shire's street numbering scheme to the satisfaction of the Responsible Authority.***
16. ***The subdivision as shown on the endorsed plan must not be altered save, with the written consent of the Responsible Authority.***

17. ***Easements in favour of Colac Otway Shire must be created on the plan to the satisfaction of the Responsible Authority.***

CONDITIONS REQUIRED BY BARWON WATER

GENERAL

18. ***The certified plan must create implied easements under Section 12(2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.***
19. ***Any plan submitted under the Subdivision Act 1988 must be forwarded to Barwon Water under Section 8 of the Act.***
20. ***The creation of an Owners Corporation to encumber all lots within the subdivision.***

WATER

21. ***The provision and installation of individual water services including meters to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s), is to be submitted. Note that tappings and services are not to be located under existing or proposed driveways.***
22. ***The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.***
23. ***An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tappings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not being fitted. Note that tappings and services are not to be located under existing or proposed driveways.***
24. ***Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.***

SEWER

25. ***The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.***
26. ***The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.***

27. ***The provision of a separate sewer connection branch to all lots in the subdivision in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations.***
28. ***Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.***

CONDITIONS REQUIRED BY POWERCOR

29. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.***
30. ***The applicant shall:-***
 - ***Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards (a payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.***
 - ***Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.***
 - ***Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.***

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
 - ***Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.***
 - ***Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
 - ***Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.***

- *Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.*
- *Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*

31. *The permit as it relates to the subdivision will expire after two (2) years if the relevant plan of subdivision is not certified by the Responsible Authority, unless an extension of time is approved by the Responsible Authority. The written request for extension of time must be received before 3 months have elapsed after the date of expiry.*

NOTES:

BARWON WATER

- a. *The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision.*

It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number 60-066-082433.

POWERCOR

- b. *It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling the Statement of Compliance to be issued).*

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

TELSTRA

- c. *Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.
For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.*

Resolution

MOVED Cr Wilmink seconded Cr Lehmann that Council's Planning Committee resolve to issue a Planning Permit for Planning Permit Application PP108/08 for the development of two shops, two dwellings, waiving of car parking and re-subdivision at 16 Pascoe Street, Apollo Bay, subject to the following conditions:

1. ***Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***
 - a. ***Modified subdivision design to reflect changes to the plans in accordance with this condition, with a single car space specifically allocated to each dwelling and the balance of parking within common property.***
 - b. ***Appropriate landscaping including planting of street trees in the nature-strip along the Pascoe Street frontage of the property to the satisfaction of the Responsible Authority.***
 - c. ***Full details of streetscape works including footpath design and construction, and street lighting.***
2. ***Prior to the development commencing a Section 173 Agreement must be entered into between the owners and the Responsible Authority and registered on the title to the land. The agreement will require that part of the common property being the car spaces and necessary access-ways shown on the endorsed plans must be maintained and kept available for use as a car park and access-ways to be accessed initially via 14 Pascoe Street only and then additionally over contiguous and proximate land and which is similarly developed in a manner so as to implement the creation of centrally located car park depicted in the draft Apollo Bay Precinct Plan. The Responsible Authority's reasonable legal costs of agreement and its registration must be paid by the permit holder (as per PP127/07, 65-71 GOR).***
3. ***The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
 - (a) ***transport of materials, goods or commodities to or from the land***
 - (b) ***appearance of any building, works or materials***
 - (c) ***emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil***
 - (d) ***presence of vermin.***
4. ***All run off from stormwater must be taken to a legal point of discharge to the satisfaction of the Responsible Authority, and the hard stand areas of the principles to the satisfaction of the responsible authority. Drainage plans must be submitted to the responsible authority for approval prior to commencement of the development.***
5. ***The landscaping shown on the endorsed plan must be established within 3 months of completion of the development hereby permitted and must be maintained to the satisfaction of the Responsible Authority.***
6. ***External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***

7. *Provision must be made for waste receptacles for each of the occupancies within the common property area, specifically allocated to each lot, to the satisfaction of the responsible authority.*
8. *Loading and unloading of all goods, materials and items must be carried out on the site to the satisfaction of the Responsible Authority.*
9. *Driveways and car parking areas must be constructed in an all weather surface to the satisfaction of the responsible authority.*
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11. *The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
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